## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ADREA, LLC,	)
Plaintiff,	)
- against -	) 13-CV-4137 (JSR)
BARNES & NOBLE, INC., BARNESANDNOBLE.COM LLC, and NOOK MEDIA LLC,	) ) )
Defendants.	) ) )

## NOTICE OF MOTION IN SUPPORT OF DEFENDANTS' MOTION TO EXCLUDE THE TESTIMONY OF PLAINTIFF'S DAMAGES EXPERT DAVID YURKERWICH AND MOTIONS IN LIMINE TO EXCLUDE PREJUDICIAL TESTIMONY AND EVIDENCE

PLEASE TAKE NOTICE that, pursuant to Rule 702 of the Federal Rules of Evidence and Rule 9 of the Individual Rules of Practice of Hon. Jed S. Rakoff, Defendants Barnes & Noble, Inc., barnesandnoble.com LLC and Nook Media LLC (collectively, "Defendants") on June 8, 2016 will move this Court for an order granting its Motion to Exclude the Testimony of Plaintiff's Damages Expert David Yurkerwich, and Defendants' Motions *in Limine* to Exclude Prejudicial Testimony and Evidence.

In support of this motion Defendants shall rely upon this Notice of Motion as well as a Memorandum of Law in support of Defendants' Motion to Exclude the Testimony of Plaintiff's Damages Expert David Yurkerwich and Motions *in Limine* to Exclude Prejudicial Testimony and Evidence, the Declaration of Maxwell C. Preston in support of Defendants' Motion to Exclude the Testimony of Plaintiff's Damages Expert David Yurkerwich and Motions *in Limine* to

Exclude Prejudicial Testimony and Evidence, and supporting documents. The schedule for the proceedings relating to this motion is as follows:

- Defendants' moving papers shall be served on June 8, 2016;
- Plaintiff's responsive papers shall be served on June 15, 2016; and
- Both Defendants' moving papers and Plaintiff's responsive papers shall be filed on June 15, 2016.

The Court has not scheduled oral argument for this motion. Trial in this case is scheduled to begin June 22, 2016.

Dated: New York, New York

June 8, 2016

Respectfully Submitted,

## ARNOLD & PORTER LLP

\_/s/ Louis S. Ederer\_

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Attorneys for Defendants Barnes & Noble, Inc., barnesandnoble.com llc, and Nook Media LLC

## **CERTIFICATE OF SERVICE**

I, hereby certify that on June 8, 2016, copies of the foregoing were caused to be served upon the following via electronic mail:

Colin Cabral, Esq. PROSKAUER ROSE LLP 2049 Century Park East Los Angeles, CA 90067 ccabral@proskauer.com

Attorney for Plaintiff Adrea, LLC

\_\_\_\_\_\_\_/s/ Maxwell C. Preston\_\_\_\_\_ Maxwell C. Preston